

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA (DMR)

**SECOND STIPULATION AND  
[PROPOSED] ORDER REGARDING  
COPYRIGHT DAMAGES**

Dept.: Courtroom 9, 19th Floor  
Judge: Honorable William H. Alsup

**STIPULATION**

WHEREAS, the parties previously entered into a stipulation, approved by the Court (ECF 1159), regarding damages, if any, related to Google's infringement of Oracle's copyrights in connection with (1) the rangeCheck code in TimSort.java and ComparableTimSort.java, and (2) the eight decompiled files (seven "Impl.java" files and one "ACL" file) (collectively, the "Copied Materials");

WHEREAS, Section 3.C of the prior stipulation provides that the Court will set an amount of statutory damages for Google's infringement in connection with the Copied Materials if Oracle's copyright claim based on the accused 37 Java API packages (the "SSO Claim") is not submitted to a future jury; and

WHEREAS, the parties wish to modify the prior stipulation in certain respects to facilitate entry of a final, appealable judgment in this action;

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

1. The Court may enter an award of statutory damages under Section 3.C of the prior stipulation (ECF 1159) of \$0, and can enter statutory damages of \$0 in the final judgment in connection with the Copied Materials only.

2. Other than as stated above, this stipulation will not alter the terms of the prior stipulation (ECF 1159). For the avoidance of doubt, the parties reaffirm that paragraph 2 of the prior stipulation shall govern in the event that the SSO Claim or any portion thereof is ultimately submitted to a trier-of-fact for an assessment and award of monetary relief.

3. The amount of statutory damages set in Paragraph 1 shall not be used to support an argument that a party is or is not the "prevailing party" for purposes of allocating costs, nor shall it be used to support an argument that the award is outside the range permitted by 17 U.S.C. § 504(c).

**ORDER**

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable William Alsup  
Judge of the United States District Court

1 Dated: June 20, 2012

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1 Dated: June 20, 2012

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**ATTESTATION**

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this  
SECOND STIPULATION AND [PROPOSED] ORDER REGARDING COPYRIGHT  
DAMAGES. In compliance with General Order 45, X.B., I hereby attest that Robert A. Van Nest  
has concurred in this filing.

Date: June 20, 2012

/s/ Michael A. Jacobs